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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined fourth to sixth periodic reports of Iraq

Addendum

Information provided by Iraq in follow-up to the concluding observations*

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Note: The present document is being issued in Arabic, English, French and Spanish only.

* The present document is being issued without formal editing.

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Measures taken by Iraq to implement recommendations 12 and 18 on Iraq's obligations under the Convention on the Elimination of All Forms of Discrimination against Women

Recommendation 12 (a)

1. A national plan to implement Security Council resolution 1325 (2000) was drafted, and was approved by the Cabinet in Decision No. 164 of 2014 adopted during its thirteenth ordinary session held on 1 April 2014.

2. A contingency plan for resolution 1325 (2000) was approved by Cabinet Decision No. 201 of 26 May 2015.

3. On 12 January 2016, pursuant to approval by the Government of Iraq of the two plans at the highest levels, and in implementation of its international obligations, the Prime Minister's Office issued an extremely urgent letter creating an operations room to implement resolution 1325 (2000) and the Convention on the Elimination of All Forms of Discrimination against Women, under the supervision of the Secretariat of the Cabinet.

4. On 14 December 2014, a coalition of organizations involved in implementing Security Council resolution 1325 (2000) agreed to form a joint committee headed by the Ministry of State for Women's Affairs and made up of members from civil society and the relevant government institutions.

5. With a view to laying out a plan in a national context, the Minister for Women's Affairs took part in the conference of the Alliance for the Implementation of Security Council resolution 1325 (2000). On 20 November 2014 the Alliance sent a letter to the President of the Republic of Iraq, the Prime Minister, the Speaker of the Chamber of Deputies, and the Special Representative of the Secretary-General for Iraq on integrating federal and Kurdistan Region mechanisms for the national plan to implement resolution 1325 (2000) and adopting a unified mechanism to streamline efforts.

6. The Iraqi State has taken proactive steps on the ground in line with the national plan's objectives.

Participation

- There has been an increase in women's representation and effective participation in national and local government as citizens, elected officials, and decision makers.
- Women voted at a rate of 39 per cent and 62 per cent in the 2010 Chamber of Deputies elections for the Chamber of Deputies out of a total of 19,240,093 voters, despite security conditions. The percentage of women who voted in governorate council elections in 2013 stood at 63 and 44 per cent (78 and 72 per cent in the Kurdistan Region). There were two women ministers (Health and Women's Affairs).
- Iraq is currently training law-enforcement personnel to build capacities in the areas of human rights and international rules on the treatment of persons during security operations in conflict situations. A large number of women have enrolled in those training programmes.

- Women have assumed decision-making positions at the political level and occupy a number of public offices. There are 83 women parliamentary deputies, two ministers, one university president, three ambassadors and 86 judges. The President of the Shura Council of the State is a woman, as are seven other members of the Council There are 75 women directors-general and deans of faculties, and the mayor of the capital is a woman.

- Women are involved in national reconciliation efforts through the Office of Women's Affairs, which organizes conferences, symposiums and workshops to promote a culture of tolerance and coexistence.

- Women's political representation in the Kurdistan Region is provided for in article 23, paragraph 2, of that Region's Constitution, which stipulates that women should hold no fewer than 25 per cent of parliamentary seats. Women hold 29 out of a total of 111 parliamentary seats in the Kurdistan Region's parliament. The Kurdistan Region's electoral law has been amended to increase women's participation from 25 to 30 per cent.

- The Iraqi Government has sought to involve women in international forums and to ensure gender parity in ministry delegations to international forums and events, particularly delegations sent abroad to discuss Iraq's country reports, and most recently Iraq's reports on implementation of the Convention on the Elimination of All Forms of Discrimination against Women. Three fourths of the members of that delegation were women, and it was headed by the Minister for Women's Affairs.

- Women are holding more positions in the army and the police. Women hold 23 per cent of assistant director-general posts at the Ministry of the Interior, 35 per cent of senior director posts and three per cent of director posts. There are 197 female senior police officers, 7,304 non-commissioned police officers, and 2,142 auxiliary police officers. At the Ministry of Defence, 3.92 percent of assistant directors-general, 9.16 per cent of senior directors, and 8.33 per cent of directors are women. The Ministry of the Interior has 47 female officers and 330 female troops.

- In 2012, in cooperation with the Iraqi Chamber of Commerce, a businesswomen's centre was established to promote women in business and increase their access to jobs and contracts, so as to contribute to women's employment and change stereotypes.

- Numerous laws have been enacted to promote women's rights, including the Chamber of Deputies Elections Law. The Governorate Councils Elections Law was amended to set a quota for women's political participation, and in 2013 women comprised 27.23 per cent of candidates. Certification fees were reduced for women establishing political entities or standing for governorate council elections. In 2013, 117 women won elections.

Protection of women's physical health and economic security, and respect for their human rights

- A range of structures has been set up to protect and promote human rights.

- A Human Rights Tribunal and a human rights branch of the Office of the Public Prosecutor have been set up to receive complaints from the Office of the United Nations High Commissioner for Human Rights (OHCHR).
- Human rights and gender units have been established in all government institutions. Family protection units have been established at the Ministry of the Interior and its departments in all the governorates.
- The Kurdistan Region has an independent human rights body, a Supreme Council for Women and a Higher Committee to Combat Violence against Women.
- The Chamber of Deputies has a Human Rights Committee.
- Transitional justice institutions have been established to address the effects of wars, terrorist acts and military errors (the Martyrs' Foundation, the Prisoners' Foundation and the Committee for Compensating the Victims of Military Operations, Military Mistakes and Terrorist Acts).
- Yazidi women who were victims of sexual violence at the hands of the terrorist Islamic State of Iraq and the Levant (ISIL) organization are covered by a social protection network that is exempt from controls, and offices have been opened to register them in Dahuk and Arbil governorates.
- The Ministry of Labour and Social Affairs has organized field visits to internally displaced families, entered previously unregistered women in the protection network, and given them monthly stipends.
- A memorandum of understanding has been signed between the Ministry of Labour and Social Affairs and the United Nations Population Fund to provide psychological support units in the governorates of Baghdad, Babil, Karbala and Najaf, and staff and researchers have been trained to provide services. An effective referral system has been adopted.
- Twenty-five shelters for battered women have been opened throughout Iraq.
- Women may bestow Iraqi nationality upon their children regardless of the husband's nationality in accordance with article 18 of the Constitution of Iraq and Law No. 26 of 2006.
- In 2012, an anti-violence strategy was approved by the Federal Government and by the Kurdistan Region.
- In July 2013, agricultural loans were provided to young people and a project for loan packages was begun.
- In 2015, the Committee for Compensating the Victims of Military Operations, Military Mistakes and Terrorist Actions compensated 17,136 victims. Compensation in the amount of 74,422,997,864 Iraqi dinars was awarded.
- In 2015, that Committee awarded pensions to the relatives of martyrs and injured citizens with a 65 per cent and above disability rating, as provided for in Law No. 20 of 2009, which created the Committee. Some 3,892 cases were addressed.

Prevention of all forms of physical violence against women and girls, including sexual and gender-based violence

- Units were set up in the governorates to monitor, control, and record violations and to process complaints through the relevant domestic human rights courts, the Human Rights Council or international tribunals that prosecute perpetrators of international crimes.
- A committee was formed to prosecute the most serious offenders on the basis of article 5 of the Rome Statute of the International Criminal Court, headed by the Minister of Justice, the Ministry of State for Women's Affairs, the Ministry of Human Rights, the Office of the High Commissioner for Human Rights, the Ministry of Foreign Affairs and the Secretariat of the Cabinet.
- There was coordination with international organizations to monitor violations occurring during armed conflict and to verify and classify reports. On 7 July 2014, the Ministry of State for Women's Affairs held a special meeting to discuss coordination and cooperation mechanisms with international organizations working in Iraq, and recommendations addressing the implications of recent events were submitted to the Cabinet. The meeting's most important recommendations included a review of all government and international programmes to ensure that they are responsive to the needs of the migration waves being seen in certain governorates; that assistance to displaced persons includes meets their health and food needs; that efforts are stepped up to reunite families broken apart as a result of displacement; that the media disseminates the UHCHR form for documenting violations; and that training on documentation of violations is provided for organizations working in hotspots and camps for displaced persons.
- The National Reconciliation Committee has specialized offices for the following: tribal support councils, women's affairs, the return of displaced families, dissolved entities, the awakenings and volunteer militias, and the armed factions. It also has a media office that works to foster national unity and domestic stability, to train and recruit women in various aspects of conflict-management and conflict-resolution, and to reintegrate conflict-affected groups.
- Awareness-raising on Security Council resolution 1325 (2000) on women, peace and security for institutions involved with armed conflict is covered in paragraph (g) on women and children in priority II of the Government's programme. Twenty workshops are underway at the Ministries of Interior and Defence.
- A training manual is expected to be completed in 2016 that will raise awareness among the security forces (Ministry of the Interior, Ministry of Defence) on the content of Security Council resolution 1325 (2000) and teach them how to act when dealing with women and girls during armed conflicts.
- Work has begun on a draft legislative amendment to the Military Penal Code currently in force and the Military Trials Procedure Code to bring them into line with resolution 1325 (2000) and the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

- In 2015, the Women's Office of the National Reconciliation Committee achieved the following:

  1. It reopened the Women's Office in August 2015.

  2. It worked with the Gender Unit of the United Nations Assistance Mission in Iraq (UNAMI) to establish a partnership between the National Reconciliation Committee and UNAMI to help strengthen the role of women in the national reconciliation process and raise awareness of resolution 1325 (2000) through workshops with Committee staff and civil society organizations.

  3. It convened three of eight meetings held at the Baghdad Women's Association that were attended by the Alliance for the Implementation of Security Council resolution 1325 (2000) and representatives from the ministries to discuss progress on implementing the national plan and the contingency plan.

  4. It coordinated and cooperated with the national security services to hold workshops to strengthen awareness of security issues among female staff of the National Reconciliation Committee.

  5. It coordinated with the Baghdad governorate council to support the efforts of the Women's Office of the National Reconciliation Committee to implement the national reconciliation component the plan for resolution 1325 (2000).

- It opened 28 legal clinics all over Iraq to provide legal services, include representation and consultation, to vulnerable groups such as widows, divorced women, persons with disabilities, internally displaced persons and minorities.

- It added human rights and domestic violence units to the curriculums of schools and police academies.

- It organized annual media campaigns for the Ministry of State for Women's Affairs, notably the 16 Days of Activism against Gender-Based Violence campaign, which included posters, pamphlets, television advertisements and awareness seminars.

- It founded a centre for women's studies at the Ministry of Higher Education and Academic Research.

- The strategy for the advancement of Iraqi women and the strategy to combat violence against women were approved.

Assistance and recovery

- The needs of women and girls are targeted, and in particular vulnerable groups such as displaced persons and victims of gender-based sexual violence.

- The Ministry of Displacement and Migration has worked to establish policies, programmes and plans to raise the living standards of displaced groups. The Ministry tries to achieve sustainable improvements in the quality of life and services, and, in conjunction with government agencies and non-governmental organizations, to conduct studies and research that prioritize vulnerable classes of women. In 2013, it laid out a comprehensive plan for studies on improving

the conditions of displaced and returning families. Among the plan's components were development of a policy for displaced women with special needs and a policy for providing shelter for such groups.

- As part of its effort to provide shelter for displaced Iraqis, the Ministry of Displacement and Migration has set up a number of camps in various governorates of Iraq with trailers and tents equipped with the basic necessities of life. There were a total of 64,072 such tents and trailers (for 59,503 displaced families) across the Kurdistan Region governorates and the central, southern and western governorates.

- At a time when Iraq itself is dealing with the displacement of families, and especially women, as a result of the activities of terrorist groups, it is also addressing the needs of displaced Syrian families, who number some 210,612, as of 30 March 2013. It has delivered in-kind and material assistance, secured energy and food supplies, and opened schools that teach the Syrian curriculum.

- In the wake of the displacement of families from Anbar governorate in 2014 and the events in Mosul, the Ministry of Displacement and Migration has monitored the conditions of displaced persons in general and women in particular by issuing publications that provide essential information on them. It has taken steps to address the waves of displacement by setting up a joint operations room to provide relief aid to persons displaced from Anbar, Mosul and adjacent areas to compile an integrated database and disburse emergency grants and food assistance to families. It has also set up monitoring and coordination task forces in the field in all the governorates from which people are being displaced. The Ministry coordinates with international agencies to provide displaced persons with in-kind and food assistance.

- On 26 May 2015, in order to address the massive waves of displacement from the afflicted governorates, the Cabinet approved an emergency plan to implement Security Council resolution 1325 (2000). A special operations room was set up to begin implementing the goals of the plan in cooperation with the Kurdistan Regions's Ministry of the Interior and civil society.

- Agencies that address the aftermath of displacement, such as the Higher Committee for the Compensation of Victims of Military Operations, Military Errors and Terrorist Acts established by Law No. 20 of 2009, are working non-stop to disburse compensation packages to the families of victims, which include retirement stipends, emergency cash grants and land parcels in compensation for damaged property. Its procedures pay special attention to women and girls.

- The Reconciliation Committee of the Chamber of Deputies has been revitalized with a view to repairing the national social fabric, monitoring capacity-building for women, integrating women into the security services, and addressing conflict and migration issues. Two women serve on that Commission.

- The National Reconciliation Committee is working through its Office of Women's Affairs to reinforce the foundations of national unity, build the capacities of women to work both for and with the security agencies, and strengthen the capacities of women to deal with the current conditions they are facing in Iraq, especially in armed-conflict situations.

Recommendation 12 (b)

1. Iraq has embraced the principle of gender equality in all aspects of life. Its policy of equal opportunity has prompted it to establish gender units and branches in all the ministries to ensure that equal opportunities are provided to both sexes in all areas throughout the organizational structure of the ministries, most importantly with respect to posts and capacity-building. Those units are charged with developing the policies of their respective ministries to ensure equal opportunity and responsiveness to the needs of both sexes. The male and female members of those units are trained in gender mainstreaming and combating gender-based violence. The need to train and build the capacities of the gender units was referred to in the 2013 Iraqi Government plan modernize the public sector and the 2015 administrative reform plan. Training workshops were conducted in cooperation with the United Nations Entity for Gender Equality and the Empowerment of Women.

2. Paragraph 7 of strategic priority (g) of component II of the Prime Minister's current government programme encourages programmes for rural women and gender diversity. On the basis of that paragraph, the Ministry of State for Women's Affairs has formulated three strategic goals, as follows:

- A legislative environment free from gender discrimination;
- Mainstreaming a gender perspective into the projects and policies of government institutions, legislation and laws;
- Awareness-raising and training, as well as in-kind and cash loans, for rural women.

Significant progress has been made on the number of those strategic goals. Notably, there is an initiative to establish a national referral system. A national team has been formed that consists of several ministries (Health, Interior, Labour and Social Affairs), six civil society organizations and a number of United Nations agencies, including UN-Women, the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Medical Corps (IMC), the International Organization for Migration (IOM), the International Committee of the Red Cross (ICRC), the United Nations Population Fund (UNFPA) and the United Nations Development Programme (UNDP). The programme is 50 per cent complete, and is expected to be approved and adopted in 2016.

3. Iraq has approved a national strategy for the advancement of women with a view to empowering women in the major sectors. Its goals include economic and political empowerment, and the development of the health, education and media sectors.

Recommendation 12 (c)

Iraq has taken a number of steps to make improvements its public budgeting. The first of those steps was the formation of a committee to improve the State's financial administration and public budgeting, which is chaired by the Secretariat of the Cabinet. Its goal is to transition from a budget of chapter headings and sub-items to a new budget that responds to development aspirations.

That committee will provide a good opportunity to take gender into account when a new model for the Iraqi budget is adopted. An introductory workshop on gender-responsive budgeting was held for committee members and financial

officials from several ministries. The first workshop was held in Amman in 2014. That was followed by a second workshop, also in Amman, in 2015. The committee includes financial affairs directors from 13 ministries, the Office of the Prime Minister and the Elections Commission.

The Ministry of State for Women's Affairs has also formed seven technical teams at seven ministries that are charged with education, training and preparation for the adoption of gender-responsive budgets. The teams were trained in cooperation with UN-Women, and the issue was incorporated into the 2013 Iraqi Government plan to modernize the public sector and the 2015 administrative reform plan. The first introductory workshop for those teams was held in Beirut in 2013. Another workshop was held in April 2014. An introductory workshop was also held in the seven ministries, which are as follows: Health, Education, Higher Education and Scientific Research, Construction and Housing, Planning, Finance and Municipalities.

The Iraqi Government is trying to transition to programme- and performance-based budgeting, which will provide a genuine and productive opportunity to adopt a gender-sensitive budget.

Recommendation 18 (a) on the Committee on Constitutional Amendments.

1. At its most recent session, the Iraqi Chamber of Deputies formed a Committee on Constitutional Amendments in accordance with article 142 (I) of the Iraqi Constitution. It is headed by Humam Hamoudi, the former Chair of the Committee on Foreign Relations and current First Deputy Speaker of the Chamber of Deputies, and includes a number of parliamentary deputies. Its agenda includes all of the articles that were determined by experts to be discriminatory or to be in conflict with other articles such as, notably, articles 14, 41 and 45. The Committee held a series of productive meetings to draft amendments, but getting them approved will be a difficult task. Article 142 (II) stipulates that amendments proposed by the Committee must be submitted to the Chamber of Deputies for approval by an absolute majority vote, and some of the articles that will be submitted for a vote are controversial, such as article 140 on areas that are under dispute between the Federal Government and the Kurdistan Region.

2. The Chamber of Deputies is currently reconstituting the Committee so that it can resume the work of the previous committee from the point where it left off.

Recommendation 18 (b) on the draft Jaafari law

The draft law has been withdrawn and the Iraqi Government has no plans to resubmit it, let alone adopt it.

Recommendation 18 (c)

In order to implement this recommendation, the Judicial Council formed a joint committee by Judicial Order No. 232/Office/2014 (10 April 2014). That committee is charged with studying proposed amendments to the Penal Code and certain other relevant laws that were submitted by the Ministry of Women's Affairs at the time. The committee was formed at a high level and includes the head of the Judicial Supervision Authority and the head of the Office of the Public Prosecutor — two of the judiciary's key bodies — as well as representatives from the Ministry of State for

Women's Affairs and the Ministry of Human Rights. The work of the committee is suspended at the present time because the posts of Minister of State for Women's Affairs and Minister of Human Rights have been abolished, but the Government is in the process of trying to re-operationalize it.

2. The President of the Judicial Council appointed a member at the rank of general director to serve as his personal liaison with the Higher Committee for the Advancement of Iraqi Women, which was headed at the time by the Minister of State for Women's Affairs. Her job was to coordinate the implementation of the strategy for the advancement of women and the strategy for combating violence against women, particularly in the area of legislation.

Recommendation 18 (d) on the draft law on domestic violence

1. On 27 January 2015, the Speaker of the Chamber of Deputies submitted the draft law to two parliamentary committees: the Committee on Women, the Family and Children, and the Committee on Human Rights. Those two committees confirmed the pressing need for the enactment of that law.

2. On 1 March 2015, the Committee on Women, the Family and Children asked the Office of the Speaker to put the draft law on the Chamber's agenda, which it did.

3. On 12 March 2015, the first reading of the draft took place.

4. On 23 May 2015, for the purposes of redrafting the law for a second reading and in order to gain a deeper understanding of any flaws in the law, the Committee on Women, the Family and Children held a joint meeting with the Committee on Human Rights to devise a strategy for going forward with enacting the law, which included hosting and holding hearings with the Ministry of State for Women's Affairs, the Ministry of the Interior, the Ministry of Labour, the Ministry of Social Affairs, legal and academic experts, and civil society organizations.

5. On 14 and 15 March, during meetings with the Westminster Foundation for Democracy, the Committee on Women, the Family and Children held a workshop for women members of the Committee on debating the draft law on protection against violence.

6. On 2 April 2015, the Committee held its regular meeting with civil society organizations, at which it discussed the draft law and proposed amendments in the light of the impending adoption of Security Council resolution 1325 (2015) on 15 April 2015, to which the Committee invited the Minister of State for Women's Affairs to discuss all the observations made on the law and put forward the Government's position.

7. On 16 August 2015, in cooperation with UN-Women, the Committee arranged a regular legislative meeting to crystallize a national vision on the draft law.

8. On 9 September 2015, the Director of the Directorate of Family Protection in the Ministry of the Interior was invited to put forward the Directorate's position on the relationship between its work and the provisions of the law, and the challenges faced by its work in the absence of such legislation. At the present time, the draft law is being redrafted for a second reading prior to a vote.

Recommendation 18 (e)

1. Measures taken by the passports division of the Ministry of the Interior and other agencies are in line with Law No. 32 of 1999 on passports, which does not discriminate in any way in issuing passports. That was reaffirmed in article 4 of Regulation No. 2 of 2011 on passports, which stipulates that any Iraqi citizen may apply for a passport regardless of sex.

2. The Law requires a guardian's approval only for passport applicants under 18 years of age.

3. The Law does not require women to have the approval of a guardian or male relative for a passport application or for travel, except in the following two cases:

A. A divorced woman or a widow who wishes to travel with her children must submit a certificate of guardianship issued by a personal status court.

B. For the purpose of performing the Hajj pilgrimage, the host State requires a male relative escort. That requirement is not set by Iraq.

4. The Ministry of the Interior has issued thousands of passports in keeping with the push by the Ministry and the Iraqi Government to end all forms of gender discrimination in the application of laws and directives. We can supply you with figures at a later date.

Annexes: The Third Quarterly Report of the Ministry of Displacement and Migration (update ongoing)